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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Decided on: 31st August, 2017

\+ MAC.APP. 1105/2016 and CM 47941/2016

IFFCO TOKIO GENERAL INSURANCE CO LTD ..Appellant
Through: Mr. A.K. Soni, Advocate

Versus

ROOP KUMAR & ORS ..... Respondents
Through: Mr. O.P. Mannie, Adv. for R-1

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The first respondent (claimant), then 23 years old, suffered injuries in a motor vehicular accident that occurred on 14.04.2015 at about 9:30 p.m. due to negligent driving of a truck bearing registration no.HR-55K-2625 which was admittedly insured against third party risk with the appellant / insurance company (insurer). The injuries suffered led to amputation of left lower limb of the claimant. The Motor Accident Claims Tribunal (Tribunal) has assessed the functional disability to the extent of fifty per cent (50%) and granted compensation, *inter alia*, towards loss of future income.

2. The appeal by the insurer, on which the liability has been fastened, is pressed only to question the non-pecuniary heads of damages in the total sum of Rs.3,00,000/- (Rupees Three Lakhs Only). Though the tribunal has not properly described the said component of

compensation in the impugned judgment, it is clear that the amount has been added to the compensation on account of the pain and suffering and loss of amenities of life. Given the nature of the injuries suffered, and the aftermath which would affect the entire future life of the claimant, the said award cannot be said by any stretch of imagination to be excessive. The appeal is, therefore, dismissed. The pending application also stands dismissed.

3. By order dated 23.12.2016, the insurance company had been directed to deposit the entire awarded amount, from out of which Rs.1 Lakh (Rupees One Lakh Only) was released into the savings bank account of respondent no.1/the claimant, and the balance kept in fixed deposit receipt for various periods. The amount thus allowed to be released shall be treated as the amount received by the claimant towards satisfaction of his claim under the award.

4. The statutory deposit shall be refunded.

R.K.GAUBA, J.

AUGUST 31, 2017
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